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6

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **AT SAN FRANCISCO**

9 AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
10 et al.,

11 Plaintiffs,

12 v.

13 UNITED STATES OFFICE OF  
PERSONNEL MANAGEMENT, et al.,  
14

15 Defendants.

NO. 3:25-cv-01780-WHA

DECLARATION OF HEATHER  
BARTLETT

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BARTLETT  
NO. 3:25-cv-01780-WHA

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Heather Bartlett, declare as follows:

2 1. I am a resident of the State of Washington. I am over the age of 18 and have  
3 personal knowledge of all the facts stated herein, except as to those matters stated upon  
4 information and belief; as to those matters, I believe them to be true. If called as a witness, I  
5 could and would testify competently to the matters set forth below.

6 2. I am the Deputy Director of the Washington State Department of Ecology  
7 (Ecology), a position I have held for 5 years. Prior to my current position, I led Ecology's Water  
8 Quality Program as Program Manager for 6 years. I have over 30 years of working in the public  
9 sector in natural resource management and environmental protection.

10 3. As Deputy Director of Ecology, I assist in overseeing management of all the  
11 agency's activities and various programs, as well as day-to-day operations. I attend regular  
12 meetings with Ecology's senior leadership and receive frequent briefings on the status of  
13 Ecology programs and initiatives, emerging issues, and potential problems. I also frequently  
14 engage with our various stakeholders, the regulated community, and communities impacted by  
15 Ecology's work.

16 4. Ecology is the administrative agency tasked with implementing and enforcing  
17 environmental laws and regulations in the state of Washington. This mandate includes both state  
18 and federal environmental policies.

19 5. Federal government agencies are invaluable partners in Ecology's work. Ecology  
20 both contributes to the work of many federal government agencies and relies on those agencies  
21 to carry out its own work. Ecology relies on work performed by federal employees in  
22 Washington State and throughout the country. To provide only a few examples:

1           6. Ecology works closely with the **Federal Emergency Management Agency**  
 2 (FEMA) to implement the National Flood Insurance Program, which protects people and  
 3 infrastructure from flood risk. FEMA provides technical assistance, training, and certification on  
 4 flood risk management to both state and local government staff.

5           7. Further, FEMA expertise informs Washington's innovative Floodplains by  
 6 Design program. Floodplains by Design works to reduce flood risks and build resiliency in  
 7 floodplains along Washington's major river corridors. This serves to protect the wellbeing,  
 8 health, and livelihood of local communities. It also protects and restores sensitive riparian  
 9 environments.

10           8. For over a decade, the Floodplains by Design program has funded over \$280  
 11 million in projects across the state, restored 131 miles of river, and protected 7,778 acres of land.  
 12 Seventeen applicants have already submitted funding requests for the 2025-2027 Floodplains by  
 13 Design grant cycle.

14           9. Floodplains by Design work is highly reliant on FEMA resources, including  
 15 funding, data, and expertise. FEMA creates and makes publicly available flood maps that  
 16 Ecology and applicants both use in designing projects. FEMA also develops and shares  
 17 floodplain management tools and resources that Ecology and applicants use to restore riverine  
 18 systems and protect rural communities and agriculture.

19           10. Unfortunately, disruptions in FEMA staffing have already resulted in disruptions  
 20 to Ecology's floodplain management activities. FEMA has pulled training instructors, is not  
 21 available to provide technical assistance, and continues to cancel meetings. Flood map update  
 22 work has been paused.

1           11. Ecology works closely with the **Bureau of Reclamation** (BOR) on managing  
2 water resources throughout the state.

3           12. Disruptions to BOR operations have already been experienced. For example,  
4 Ecology's Odessa Groundwater Replacement Program is an important project focused on  
5 making surface water available to Central Washington's agricultural industry, which currently  
6 depends on unsustainable groundwater sources in the Columbia River Basin.

7           13. The Odessa Groundwater Replacement Program involves collaboration with  
8 cultural resource staff at BOR's Ephrata Washington Office.

9           14. Ecology understands that BOR recently lost cultural resource staff from its  
10 Ephrata Washington Office. With the loss of cultural resource staff, only one BOR employee is  
11 available to support the broad portfolio of work handled by the office. We anticipate Odessa  
12 Groundwater Replacement Program work will slow.

13           15. Further, Ecology understands that BOR lost design engineers from their technical  
14 services center in Denver. We expect work to slow without sufficient engineers to complete  
15 technical input and review of projects. More specifically, this could further disrupt design review  
16 of a pumping plant and delivery system that is necessary for the Odessa Groundwater  
17 Replacement Program. The extent of the impact is uncertain, but there is certainty of impact.

18           16. Similarly, Ecology's Office of the Columbia River works with BOR to ensure  
19 that current and future water needs—as well as fish passage survival for salmon recovery—in  
20 the Yakima River Basin are met. The Basin has a population of over 400,000 people and supports  
21 a \$4.5 billion agricultural industry. BOR also operates the Yakima Irrigation Project in the area.

1           17. Ecology and BOR jointly developed a thirty-year Yakima River Basin Integrated  
 2 Water Management Plan. The Plan addresses water management issues ranging from water  
 3 storage to water banks to environmental protection. Currently, the Plan's first ten years are being  
 4 implemented with state and federal funding.

5           18. Delays in or disruptions to BOR operations as a result of staffing reductions could  
 6 impede the ability of Ecology to implement this massive undertaking and effectively manage  
 7 critical water resources. Loss of design engineers from BOR's Denver Office, as noted above,  
 8 could also negatively impact timing for completion of the Yakima Basin Irrigation Project Tieton  
 9 Dam fish passage facility.

10           19. Ecology works with the **National Oceanic and Atmospheric Administration**  
 11 **(NOAA)** Office for Coastal Management (OCM) on coordinated efforts and implementation of  
 12 the Coastal Zone Management Act (CZMA). CZMA ensures protection of state coastal resources  
 13 vital to the health, well-being, and economies of coastal communities and tribes.

14           20. Disruptions to NOAA work as a result of staffing reductions have already been  
 15 experienced. All meetings between Ecology and NOAA on Offshore Wind have been cancelled  
 16 and support withdrawn. Offshore wind is a potential energy resource which can contribute to  
 17 energy independence and reliability for Washingtonians.

18           21. Further, NOAA has withdrawn and modified grant deliverables, maps, and  
 19 models that serve to provide service for rural coastal communities' resilience to coastal hazards.  
 20 Rural communities are often on the front line of hazards and storms. Withholding NOAA  
 21 technical assistance weakens these communities' ability to maintain or recover from disasters.

22. Ecology works closely with the **United States Forest Service** (USFS) in managing millions of acres of national forest in Washington.

23. For example, Ecology works closely with local USFS offices to ensure that environmental standards are being met on USFS-managed lands. As part of this partnership, Ecology recently entered into a renewed Memorandum of Agreement (MOA) with USFS Region 6. Various iterations of this MOA have existed for over two decades, reflecting a long history of cooperation and coordination between the two agencies. The MOA focuses on managing and controlling pollution on USFS-managed lands in Washington. Under the MOA, USFS agrees to implement best management practices to protect water quality, stabilize and maintain USFS roads, monitor water quality, respond to state water quality violations, and more.

24. Similar agreements and arrangements have also existed with other USFS offices across the state, and Ecology continues to work with USFS on issues around livestock-related water pollution associated with grazing permits on USFS lands.

25. Delays in or disruptions to USFS's work on these issues as a result of staffing reductions could impede Washington's ability to ensure that environmental standards are being met and undermine the state's efforts at protecting water quality in significant and valuable portions of the state's forested lands.

26. Moreover, Ecology is a member of USFS's Pacific Northwest Joint Collaboration on Prescribed Fire and Smoke Management, which coordinates prescribed burns and other wildfire management strategies across several state and tribal entities. Delays in or disruptions to USFS's work on prescribed burn management could lead to more costly and dangerous

1 wildfires in the state and impede Ecology and Washington's ability to protect our environment,  
 2 including air quality, across the state.

3 27. Ecology's Washington Conservation Corps (WCC) works closely with the  
 4 **National Park Service** (NPS) to maintain and restore ecological forest health. WCC is a job  
 5 development program that places young adults aged 18-25—including high-risk or at-risk  
 6 individuals and military veterans—in field-based crews that do work on Federal and State public  
 7 land.

8 28. Delays in or disruptions to NPS operations as a result of staffing reductions  
 9 diminishes ecological health, can result in adverse impacts to vital resources, can increase safety  
 10 risk due to loss of staff expertise and knowledge of local landscapes, and could reduce the  
 11 opportunities available to participants of this important program.

12 29. Ecology works closely with the **Fish and Wildlife Service** (FWS) wetlands  
 13 protection. The pause in FWS actions increases risk to loss of critical coastal wetlands that  
 14 contribute to the health of state and federal waters. These coastal wetlands protect and preserve  
 15 valuable functions and generate benefits for tribal and public resources.

16 30. This is only a portion of the work that Ecology does in partnership with federal  
 17 government agencies. As noted, some of this work has already been directly disrupted by  
 18 changes to agency staffing.

19 31. Moreover, the uncertainty already caused by these disruptions associated with  
 20 known staff reductions has created significant work for Ecology and Washington, as we attempt  
 21 to plan for and respond to continued changes in federal agency operations.  
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 23

1           32. Any further disruptions have the potential to immediately and seriously impact  
2 Ecology's ability to protect Washington's environment and serve Washington residents.

3           33. I declare under penalty of perjury under the laws of the State of California and  
4 the United States of America that the foregoing is true and correct.

5                     DATED and SIGNED this 5th day of March 2025, at Lacey, Washington.

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8                                     HEATHER BARTLETT  
                                      Deputy Director